

### REMARKS/ARGUMENTS

In the Office Action dated October 18, 2007, pending Claims 1–12 were rejected. Claim 13 was canceled previously. The Office Action rejected Claims 1–7 and 9–12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,731,959 to Kumagai et al. (“Kumagai”) in view of U.S. Patent No. 6,332,024 to Inoue et al. (“Inoue”). Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kumagai in view of Inoue and further in view of U.S. Patent No. 6,519,475 to Kim. Applicant has added Claims 14–21. As explained below, Applicant respectfully submits that all of the claims are patentably distinct from the cited references, taken either alone or in combination. As such, Applicant respectfully requests reconsideration and allowance of all of the pending claims of the present application.

Independent Claim 1 recites a portable radio communications device including a body, a cover, a display, and keys accessible when the cover is in a closed position, where one of the keys is multifunctional and in a position remote from all other keys. The function of the multifunctional key of Claim 1 is dependent upon the state of the device, and for at least one state of the device operation of the multifunctional key controls the provision of information on the display. The multifunctional key, located on the cover, is arranged to be active when the cover is in the closed position and inactive when the cover is in the open position.

The Kumagai patent discloses a portable telephone that can be used without opening the lid. In one embodiment, the phone includes a body **15** covered by a lid **17** and a liquid crystal section **12**. See Kumagai, Fig. 5; col. 3 line 61 through col. 4 line 30. The telephone has multiple keys **30**, **31**, **32a**, **32b** that are accessible on the lid **17** when the lid is closed. *Id.* Actuation of a hook switch **31** on the surface of the lid answers an incoming call when the lid is closed so that the user can talk over the phone without opening the lid. Col. 4, lines 18–22. Telephone directory retrieving keys **32a**, **32b** may be used to scroll a telephone directory and retrieve a party’s telephone number. Col. 4, lines 25–28. In this condition, a transmitting button **30** may be depressed to transmit a call to the selected party. Col. 4, lines 28–30.

The Office Action alleges that Kumagai discloses “one of said keys being in a position remote from all other keys” and cites telephone directory retrieving keys **32a**, **32b** as such keys. Office Action, pg. 2. However, the fact that the Office Action lists both keys as being “remote from all other keys” cuts against the argument as the keys would necessarily not be remote from each other, especially in the configuration shown in Fig. 5. Furthermore, the function of the key(s) is not dependent on the state of the device, as argued by the Office Action on page 3. The telephone directory retrieving keys **32a**, **32b** are not multifunctional (which the Office Action admits on page 3), and thus the retrieving keys can only be used to scroll the telephone directory, regardless of the state of the device. At best, it is the operability (i.e., whether the retrieving keys **32a**, **32b** are active at all) that is dependent on the state of the device, with the keys **32a**, **32b** being inactive, for example, when there is an incoming call. However, this is not explicitly described in the disclosure of Kumagai.

The Inoue patent discloses a mobile telephone **1** with an LCD display screen **2** on the case of the telephone **1** and a main soft key **3** located below the display screen **2**. See Inoue, Fig. 1; col. 5, lines 1–8. Auxiliary soft keys **4A**, **4B** are also included, “located on the two sides of the main soft key **3** respectively as operation keys.” Col. 5, lines 8–11. A flip **9** is attached to the lower section of the case such that it covers a ten-key and power/confirm key group **5** when the flip **9** is in the closed position. Col. 5, lines 43–45. In this way, the main soft key **3** and auxiliary soft keys **4A**, **4B** are visible all the time, regardless of the position of the flip **9**. Col. 5, lines 45–56.

Inoue does not disclose a multifunctional key that is “in a position remote from other of said keys,” as required by Claim 1. Rather, the figures and disclosure describe the main soft key **3** as positioned between the first auxiliary soft key **4A** and the second auxiliary soft key **4B**, as well as proximate the key group **5**. Figs. 1A, 4–9, 10A, 13, and 14; col. 5, lines 8–11. Furthermore, when the flip **9** is open, the main soft key **3**, first auxiliary soft key **4A**, and second auxiliary soft key **4B** are also near the ten-key and power/confirm key group **5**.

In contrast, the multifunctional key 36 of the claimed invention is not located near a keypad or any other multifunctional keys, regardless of the position of the cover. Rather, as shown in Fig. 1a and described on page 4, lines 29–32 of the present application, the multifunctional key 36 (or easily accessible button, as it is referred to in the specification) is located on the exterior surface 32 of the cover portion 6. No other buttons are located adjacent to or in the vicinity of the multifunctional key 36, both when the cover is in the closed position and when the cover is in the open position.

Neither Kumagai nor Inoue teaches or suggests a multifunctional key located on the cover of a portable radio device and in a position remote from all other keys, regardless of the position of the cover. Thus, the combination of Kumagai and Inoue cannot teach or suggest Claim 1.

### **CONCLUSION**

In view of the remarks and amendments presented above, it is respectfully submitted that Claim 1 and all the claims depending therefrom (*i.e.*, Claims 2–14) are in condition for allowance. Furthermore, newly added independent Claim 15 and all the claims depending therefrom (*i.e.*, Claims 16–21) are also in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is requested to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

The patentability of the independent claims has been argued as set forth above and thus Applicant will not take this opportunity to argue the merits of the rejection with regard to the dependent claims. However, Applicant does not concede that the dependent claims are not independently patentable and reserves the right to argue the patentability of the dependent claims at a later date if necessary.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper.

Appl. No.: 10/089,992  
Amdt. dated 10/31/2007  
Reply to Office Action of October 18, 2008

However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

/s/ Michele M. Glessner

Michele M. Glessner  
Registration No. 58,713

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON October 31, 2007.